

This study is an attempt to examine the various authorities present the documentation which has served to document authority.

This study is an attempt to present within the legal framework the documentation which has served as provided governmental agencies the authority to engage in cryptologic activities.

This study is an attempt to bring together in one document the pertinent laws relating to cryptology and those records which have served US Cryptologic agencies as a basis for their authority to engage in cryptology. There will be no attempt to make conclusions about whether the legality or illegality of cryptologic operations since others are more qualified and occupy positions in which such determinations are made.

which may have a bearing on the cryptologic activities and those source documents which, to the agencies involved, have served as a basis authorizations do engage in these activities. The study is limited to the National Security Agency and its predecessor agencies in the Army and Navy, although one of the predecessor agencies, the preceding US Army cryptologic units. Information concerning other governmental agencies is not germane to this study and the preceding US naval cryptologic units have been omitted due to the lack of information about their activities information about their records and activities at the end of a separate file.

There will be no attempt to try and prove the legality or illegality of any cryptologic activity. This task falls within the province of the various legal counsels and the courts. ~~But~~ ~~as~~ ~~is~~ ~~now~~ ~~anyway~~ But furthermore, there would seem to be a distinction between legality and authority which ~~is~~ ~~such~~ ~~that~~ one need not necessarily since we are the U.S. government a cryptologic professor operates and has always operated within areas the framework of an established chain of command. It would seem to be reasonable to expect that there is a distinct possibility arises that as in which the legality and authority ^{can} become two separate issues. A superior within the framework can create an authority to it is quite conceivable that someone higher in the chain of command has authority certain activities of a subordinate. The subordinate then has an authority or authorization for the basis of operations. As far as the subordinate is concerned this is considered "legal". Whether or not this authority is in fact in keeping with the laws of the country is another matter, which can only be decided by duly constituted legal processes. ~~If~~, ~~the~~ ~~if~~ ~~it~~ ~~is~~ ~~permitted~~ ~~therefore~~ ~~an~~ ~~attempt~~ ~~to~~ ~~try~~ ~~and~~ ~~bring~~ ~~together~~, ~~under~~ ~~advised~~ ~~comment~~, ~~these~~ ~~laws~~ ~~relative~~ ~~to~~ ~~cryptology~~ ~~and~~ ~~the~~ ~~various~~ ~~documents~~ ~~which~~ ~~have~~ ~~served~~ ~~as~~ ~~a~~ ~~basis~~ ~~for~~ ~~or~~ ~~authorizations~~ ~~of~~ ~~cryptologic~~ ~~activities~~. Should there be conflicts between the two or a ~~need~~ ~~recognizable~~ ~~need~~ ~~for~~ ~~corrective~~ ~~action~~.

~~Another task which~~

One other comment must be made before leaving the survey. For the purpose of this study cryptology has

been divided into two broad categories, cryptography and cryptanalysis. Cryptography includes the production and protection of United States secure communications and cryptanalysis will mean the obtaining and analysis of communications for the purpose of producing intelligence.

It is difficult to know just where to begin in a study of this kind. According to our definitions one could easily retreat all the way to the American Revolution and find both activities involving both cryptography and cryptanalysis. Codes and ciphers were rather widely used during this period by many prominent figures, among them were Thomas Jefferson, James Madison, Benjamin Franklin, James Monroe, John Jay, James Lovell, John Adams, Robert Livingston, Edmund Randolph, Robert Morris, and William Lee. ~~However the first~~ ~~and~~ There do seem to be some indications that both cryptography and cryptanalysis soon may have been conducted on a somewhat more organized level. The first indication involves the code cryptanalytic work performed by James Lovell during the Revolution. Lovell was a member of the Committee on Foreign Affairs and made notable contributions by his solutions of captured British messages towards the end of the war. There is however no indication that Lovell was acting under any specific grant of authority. The ~~the~~ situation was such that an emergency existed, ~~unexcepted~~ messages were available, and Lovell broke the codes and produced valuable intelligence. Furthermore, if there was no specific provision against it he ~~acted~~ ~~acted~~ by grants

British

* In an article entitled "Secret writing & the Revolution,"¹¹ in the Michigan Alumni Quarterly Review (1938), author Howard H. Peckham credits Lovell with deciphering "nearly all, if not all, of the British code messages intercepted by the Americans."

There were a number of indications of some kind of
subversive organization on the cryptographic side as well.
The Committee's correspondence was the recipient of
all of Silas Deane's secret ~~and~~ communications while he
was on his mission to France. All of Deane's reports
eventually found their way to John Jay who passed
~~the developing fluid~~. Deane first addressed his
reports to the Committee openly, but then he addressed
them to individual members and finally even used
fictitious names. They all found their way to John Jay,
who passed ~~the developing fluid~~ & who then ~~forwarded~~
funnelled the letters back to the Committee.